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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21324 of 2021

Manikandan

... petitioner

Vs.

The State rep by
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.
Crime No.1004 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.1004 of 2021 on the file of the respondent police.

For petitioner : Mr.K.T.S.Sivakumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.10.2021 for the offences under Sections 341, 294(b), 323, 418, 420, 506(i) of IPC and Section 4(1) r/w Section 76(1) of the Chit Funds Act 1982 in Crime No.1004 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and one Vinoth had conducted monthly chit funds and collected the money from the defacto complainant and thereafter, failed to repay the amount. Hence the complaint.

3. The learned counsel for the petitioner would submit that due to financial crises, the petitioner was unable to repay the money to the creditors and thereby, he has filed an Insolvency Petition (IP) No. 5 of 2021 before the learned Principal District and Sessions Judge, Tiruvannamalai, and only thereafter, the complaint has been lodged. He would further submit that the co-accused has been granted



anticipatory bail by this Court in CrI.O.P.No.14738 of 2021 dated 24.10.2021 and that the petitioner has been suffering incarceration for more than 20 days from 24.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection and would admit that the co-accused has been granted anticipatory bail by this Court.

5. Considering the period of incarceration undergone by the petitioner and the fact that the petitioner has already filed Insolvency Petition before the learned Principal District and Sessions Judge, Tiruvannamalai, and that the co-accused has been granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate- I, Tiruvannamalai and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
16/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE, TIRUVANNAMALAI.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary charges SR.NO.12815

CRL OP.21324/2021

Date :16/11/2021

JPA 17/11/2021